

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DISTRICT

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
	)	Civil Action No.
v.	)	
	)	
	)	
LUCITE INTERNATIONAL, INC.,	)	
	)	
Defendant.	)	
	)	

**COMPLAINT**

The United States of America, by the authority of the Attorney General of the United States and through the undersigned attorneys, acting at the request of the Administrator of the United States Environmental Protection Agency ("EPA"), files this Complaint and alleges as follows:

**STATEMENT OF THE CASE**

1. This is a civil action brought against Defendant, Lucite International, Inc. ("Defendant" or "Lucite"), pursuant to Section 113(b) of the Clean Air Act, ("Act" or "CAA"), 42 U.S.C. § 7413(b), seeking penalties and injunctive relief for violations of the CAA, 42 U.S.C. §§ 7401-7619q, and federal and state of Tennessee regulations implementing the Act, at Defendant's Memphis, Tennessee facility, located at 2665 Fite Road in Memphis, Tennessee. Defendant violated the following provisions: New Source Performance Standards ("NSPS") promulgated pursuant to Section 111 of the Act; National Emission Standards for Hazardous Air

Pollutants (“NESHAPs”) promulgated pursuant to Section 112 of the Act; and provisions for the Protection of Stratospheric Ozone under Section 608 of the Act, as implemented by regulations at 40 C.F.R. Part 82, Subpart F. Many of these violations have resulted in corresponding violations of Defendant’s Title V Permit (“Permit”) and/or of Tennessee’s State Implementation Plan (“SIP”).

### **JURISDICTION AND VENUE**

2. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331, 1345, and 1355, and Section 113(b) of the CAA, 42 U.S.C. § 7413(b).

3. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and (c), and 1395(a), and Section 113(b) of the CAA, 42 U.S.C. § 7413(b), because Defendant is doing business in the Western District of Tennessee, and the violations alleged herein occurred at its facility located in the Western District of Tennessee.

### **NOTICES**

4. Section 113(a) of the Act requires the Administrator of the EPA to notify any person in violation of a SIP or permit of the violations prior to initiating enforcement action.

5. EPA issued a Notice of Violation (“NOV”), dated June 23, 2005, to Lucite alleging violations of the Act, the Permit, and the Tennessee SIP. The NOV identified violations of NSPS promulgated pursuant to Section 111 of the Act, 42 U.S.C. § 7411; violations of NESHAPS promulgated pursuant to Section 112 of the Act, 42 U.S.C. § 7412; and violations of provisions for the Protection of Stratospheric Ozone under Section 608 of the Act, as implemented by regulations at 40 C.F.R. Part 82, Subpart F. In addition, the NOV provided notice that many of these violations resulted in corresponding violations of Respondent’s Title V

Permit and of Tennessee's SIP.

6. On or about July 7, 2005, EPA mailed a copy of the NOV to the State of Tennessee Department of Environment and Conservation and to the Memphis & Shelby County Health Department. The United States has provided notice of the violation to the State, in accordance with the requirements of Section 113(a)(1) of the CAA, 42 U.S.C. § 7413(a)(1). The 30-day period established in 42 U.S.C. § 7413, between issuance of the NOV and commencement of a civil action, has elapsed.

7. The United States has provided notice of the commencement of this action to the State of Tennessee Department of Environment and Conservation and to the Memphis & Shelby County Health Department. The United States has provided notice of the commencement of this action to the appropriate State of Tennessee air pollution control agency, in accordance with the requirements of Section 113(b) of the CAA, 42 U.S.C. § 7413(b).

**DEFENDANT**

8. Lucite is incorporated under the laws of Missouri, and is authorized and doing business in the State of Tennessee, with its principal place of business in Cordova, Shelby County, Tennessee.

9. Lucite is a "person" within the meaning of Section 302(e) of the CAA, 42 U.S.C. § 7602(e), and of applicable federal regulations promulgated pursuant to the CAA, including 40 C.F.R. § 82.152.

10. In 1993, ICI Acrylics, Inc. acquired the DuPont methyl methacrylate ("MMA") and acrylic sheeting business at the Fite Road facility.

11. In 1999, the stock of ICI Acrylics, Inc. was sold, and its name was changed to Ineos

Acrylics, Inc. The corporation's name was changed in 2002 to Lucite International, Inc.

### **STATUTORY AND REGULATORY BACKGROUND**

12. The Clean Air Act established a regulatory scheme designed to protect and enhance the quality of the nation's air so as to promote the public health and welfare and the productive capacity of its population. Section 101(b)(1) of the Act, 42 U.S.C. § 7401(b)(1).

#### **NSPS:**

13. Section 111 of the Act, 42 U.S.C. § 7411, requires EPA to list categories of stationary sources and promulgate regulations establishing federal standards of performance ("New Source Performance Standards" or "NSPS") for new sources within such categories.

14. Section 111(a) of the Act, 42 U.S.C. § 7411(a), defines "new source" to include modified sources, and "modification" is defined as "any physical change in, or change in the method of operation of, a stationary source which increases the amount of any air pollutant emitted by such source or which results in the emission of any air pollutant not previously emitted."

15. Pursuant to Section 111(e) of the Act, 42 U.S.C. § 7411(e), it is unlawful for the owner or operator of a new source to operate such source in violation of any standard of performance applicable to such source.

16. EPA has established New Source Performance Standards for Sulfuric Acid Plants, and such standards are published in 40 C.F.R. Part 60, Subpart H.

17. "Sulfuric acid production unit" is defined at 40 C.F.R. § 60.81, which provides: "any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, ... or acid sludge, but does not include facilities where

conversion to sulfuric acid is utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds.”

18. Emission standards for sulfuric acid plants are set forth in 40 C.F.R. § 60.82 (standard for sulfur dioxide) and 40 C.F.R. § 60.83 (standard for sulfuric acid mist).

19. NSPS standards for sulfuric acid mist have been incorporated into the Tennessee SIP at Section 1200-3-7-.09, which provides that “Sulfuric acid plants of any type commenced after April 3, 1972, must not emit more than 0.150 pounds of sulfuric acid mist per ton of 100% H<sub>2</sub>SO<sub>4</sub> produced, maximum one hour average expressed as H<sub>2</sub>SO<sub>4</sub>.”

**NESHAPs:**

20. Section 112(d) of the CAA, 42 U.S.C. § 7412(d), authorizes EPA to promulgate national emission standards for hazardous air pollutants (“NESHAPs”). Those regulations have been promulgated at 40 C.F.R. Part 63. Pursuant to Section 112(i) of the CAA, 42 U.S.C. § 7412(i), a source may not be operated in violation of such standards.

21. 40 C.F.R. Part 63 Maximum Available Control Technology (“MACT”) Standards, Subparts F, G, and H apply to Synthetic Organic Chemical Manufacturing Industry (“SOCMI”) Sources, and include, in the event of increased emissions due to bypass of control equipment, requirements for implementation of Startup, Shutdown and Malfunction Plan (“SSMP”), and related record keeping and reporting.

22. 40 C.F.R. § 63.100(b) provides that:

... the provisions of Subparts F, G, and H of this part apply to chemical manufacturing process units that meet all the criteria specified in paragraphs (b)(1), (b)(2) and (b)(3) of this section:

(1) Manufacture as a primary product one or more of the chemicals listed in paragraphs (b)(1)(i) or (b)(1)(ii) of this section.

(i) One or more of the chemicals listed in table 1 of this subpart; or

(ii) One or more of the chemicals listed in paragraphs (b)(1)(ii)(A) or (b)(1)(ii)(B) of this section;

(2) Use as a reactant or manufactures as a product, or co-product, one or more of the organic hazardous air pollutants listed in table 2 of this subpart;

(3) Are located at a plant site that is a major source as defined in section 112(a) of the Act.

23. 40 C.F.R. § 63.104(a) provides that each heat exchange system used to cool process equipment in a chemical manufacturing process unit must be monitored in accordance with detailed monitoring requirements set forth in 40 C.F.R. § 63.104(b) and (c), except when criteria for certain exemptions apply.

24. 40 C.F.R. § 63.6(a)(1) provides that 40 C.F.R. Part 63, Subpart A (General Provisions) applies to owners and operators of facilities for which any relevant standard has been established under Section 112 of the Act.

#### **OZONE PROTECTION:**

25. Subchapter VI of the Act, 42 U.S.C. §§ 7671-7671q, implements the Montreal Protocol on Substances that Deplete the Ozone Layer, and mandates the elimination or control of emissions of substances known to or suspected of destroying the stratospheric ozone layer, known as Class I and Class II ozone-depleting substances.

26. Section 608 of the CAA, 42 U.S.C. § 7671g, requires the EPA Administrator to

promulgate regulations establishing standards and requirements regarding the use and disposal of Class I and Class II refrigerants during the service, repair, or disposal of appliances and industrial process refrigeration ("IPR"). Regulations implementing this requirement are published at 40 C.F.R. Part 82, Subpart F.

27. "Appliance" as defined in 40 C.F.R. § 82.152, includes any device used for commercial purposes which contains and uses a Class I or Class II refrigerant.

28. "Industrial process refrigeration" ("IPR") is defined in 40 C.F.R. § 82.152 as complex customized appliances used in manufacturing industries.

29. 40 C.F.R. § 82.156(i) contains leak repair and related testing and reporting provisions applicable to owners or operators of industrial process refrigeration equipment normally containing more than 50 pounds of refrigerants. In addition, 40 C.F.R. §§ 82.166(k) and (n) contain record keeping and reporting requirements applicable to owners or operators of appliances normally containing more than 50 pounds of refrigerants.

**PERMIT:**

30. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), specifies that any violation of a condition in a Title V permit is unlawful.

**SIP:**

31. The Memphis-Shelby County Local Implementation Plan (LIP) is part of the SIP. For all times relevant to the Complaint, Tennessee has had an EPA-approved SIP. 40 C.F.R. § 52.2220.

32. Pursuant to Sections 113(a) and (b) of the Act, 42 U.S.C. § 7413(a) and (b), once a SIP has been approved by EPA, its requirements are enforceable by the EPA Administrator.

## **PENALTIES:**

33. Section 113(b) of the Act, 42 U.S.C. § 7413(b), authorizes both injunctive relief and civil penalties of up to \$25,000 per day for each violation prior to January 31, 1997. Pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461, as amended by 31 U.S.C. § 3701, Section 113(b) of the Act, 42 U.S.C. § 7413(b), authorizes civil penalties of up to \$27,500 per day for each violation occurring on or after January 31, 1997, and on and before March 15, 2004, pursuant to Section 113(b) of the CAA, Pub. L. 104-134 and 61 Fed. Reg. 69369 (December 31, 1996); and up to \$32,500 per day for each violation occurring after March 15, 2004, pursuant to Section 113(b) of the CAA, Pub. L. 104-134 and 69 Fed. Reg. 7121 (February 13, 2004).

## **FACTUAL BACKGROUND AND VIOLATIONS**

34. Defendant is the owner and operator of a methyl methacrylate (MMA) and an acrylic sheeting facility at Fite Road in Memphis, Tennessee.

35. The Defendant's Memphis facility manufactures MMA, and uses sulfuric acid in the MMA production process.

36. The MMA facility includes a sulfuric acid regeneration unit ("SAR") which meets the regulatory definition of "sulfuric acid production unit" in 40 C.F.R. § 60.81, because the Defendant's SAR burns acid sludge to distill sulfuric acid from the sludge, and the conversion of acid sludge to sulfuric acid is not utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds.

37. The SAR at the Memphis facility emits sulfur dioxide and sulfuric acid mist.

38. A previous owner (E.I. DuPont de Nemours & Company) of Defendant's Memphis

facility modified the facility's SAR by adding a second furnace train in 1975 - 1978, resulting in increased production and emissions from the SAR. Accordingly, the SAR became subject, in 1978, when the second furnace train began operating, to NSPS for sulfuric acid plants, as set forth in 40 C.F.R. §§ 60.82 (standard for sulfur dioxide) and 60.83 (standard for sulfuric acid mist).

39. Emissions from the SAR have greatly exceeded these standards since it became subject to NSPS standards when the second furnace train began operating in 1978.

40. Defendant acquired the facility from Dupont in 1993 (at the time Defendant was named ICI Acrylics, Inc.), and since that time has operated the facility without meeting standards at 40 C.F.R. §§ 60.82 (standard for sulfur dioxide) and 60.83 (standard for sulfuric acid mist), in violation of Section 111 of the Act.

41. The NSPS standards for sulfuric acid mist have been adopted in the Tennessee SIP, at Section 1200-3-7-.09. Therefore, Defendant has been and continues to be in violation of the SIP.

42. Until these violations are corrected, Defendant will continue to release large quantities of sulfur dioxide and sulfuric acid mist into the environment in excess of emission standards.

43. Defendant's Memphis facility manufactures MMA and acetone cyanohydrin, uses methanol as a reactant, and is located at a plant site that is a major source under Section 112(a) of the Act. Accordingly, Defendant's Memphis facility is subject to NESHAPs standard 40 C.F.R. Part 63 MACT Standards in Subparts A (General Provisions), and Subparts F, G, and H (Synthetic Organic Chemical Manufacturing Industry Sources), pursuant to applicability

provisions in 40 C.F.R. § 63.100(b) (relating to Subparts F, G and H) and 40 C.F.R. § 63.6(a)(1) (relating to applicability of Subpart A).

44. Many of the provisions of 40 C.F.R. Subparts A, F, G, and H have been incorporated into Defendant's Title V Permit issued under the Act, at Section IV of the Permit (Applicable Requirements), Section V of the Permit (provisions applicable to Emission Unit 300) (MMA Unit), and Section VI (Other Requirements) of the Permit, ("For emission units subject to the Provisions of 40 CFR Part 60 and/or 40 CFR Part 63, the start-up, shut-down, and malfunction provisions of the applicable part shall apply.").

45. Defendant violated 40 C.F.R. § 63.104(a), which provides that each heat exchange system used to cool process equipment in a chemical manufacturing process unit must be monitored in accordance with detailed monitoring requirements set forth in 40 C.F.R. § 63.104(b) and (c), except when criteria for certain exemptions apply. Defendant failed to monitor the heat exchange systems for the monomers process area of its Memphis facility prior to an EPA inspection in December of 2002. The compliance date for heat exchange system monitoring was July 17, 1997, and monitoring was to occur quarterly. Thus, Defendant violated this provision for 22 successive quarters.

46. The MMA unit of Defendant's Memphis facility includes a low boiler stripper condenser vent (LBS vent) as a process vent from the MMA distillation process. The LBS vent has a bypass valve which opens during high pressure events, diverting emissions from the control device for the vent, a flare, and releasing uncontrolled pollutants directly to the atmosphere.

47. During the years 2000 through 2002, the LBS bypass valve opened numerous times, diverting emissions away from the flare and directly to the atmosphere, resulting in several types

of violations of NESHAPs regulations, as well as violations of the Title V Permit and SIP, as explained below.

48. During these bypass events in 2000-2002, Defendant failed to properly implement its Startup, Shutdown, and Malfunction Plan (“SSMP”), violating 40 C.F.R. § 63.6(e)(3)(i) and 40 C.F.R. § 63.102(a)(4); failed to maintain records of the occurrence and duration of these malfunctions or to maintain records of the implementation of its SSMP in response to each malfunction event, as required by 40 C.F.R. § 63.103(c)(2); and failed to submit reports of these malfunctions as required by 40 C.F.R. § 63.152(d)(1) and 40 C.F.R. § 63.10(d)(5).

49. The events in the preceding paragraph also resulted in violations of corresponding provisions in the Defendant’s Title V Permit. Defendant’s failure to implement its SSMP violated its Title V Permit, which incorporates Defendant’s SSMP as a permit requirement. In addition, Section VI of Defendant’s Title V Permit includes a provision stating that “for emission units subject to the provisions of 40 C.F.R. Part 60 and/or Part 63, the start-up, shut-down, and malfunction provisions of the applicable part shall apply.” Section VI of the Title V Permit further contains record keeping, reporting, and minimization of emissions requirements in connection with malfunction events, and these requirements were violated in connection with the events described in the preceding paragraph.

50. During some of these bypass events in 2000-2002, Defendant further violated its Title V Permit by emissions exceeding hourly emission limits in Defendant’s Title V Permit.

51. Defendant’s failure to implement its SSMP and minimize emissions in connection with these malfunction events also violated Section 1200-3-20 of the Tennessee SIP (Limits on emissions due to malfunctions, start-ups and shutdowns) and the Memphis-Shelby County Local

Implementation Plan (LIP).

52. At times relevant to this complaint, Defendant has been an owner/operator of “appliances” within the meaning of 42 U.S.C. § 7671g and 40 C.F.R. § 82.152, at its Memphis MMA and acrylic sheeting facility.

53. Defendant owns and operates industrial process refrigeration (“IPR”) equipment and appliances normally containing more than 50 pounds of refrigerants at its Memphis facility. At times relevant to this Complaint, Defendant employed Class I and/or Class II refrigerants in its IPRs.

54. Accordingly, Defendant is subject to leak repair, record keeping and reporting requirements of 40 C.F.R. Part 82, Subpart F.

55. Defendant failed to comply with the leak repair, record keeping and reporting requirements of 40 C.F.R. Part 82, Subpart F.

56. During an EPA-led inspection of Defendant’s Memphis facility in December of 2002, investigators documented violations of the following specific regulations of 40 C.F.R. Part 82, Subpart F, which occurred in the time period 2000-2002:

- 40 C.F.R. § 82.156(i)(2), which requires that refrigerant leaks over 35% annualized leak rate over a 12-month period be repaired within 30 days;
- 40 C.F.R. § 82.156(i)(3), which requires verification tests to confirm that leak rates are within allowable levels at the initial conclusion of and as a follow-up 30 days after repairs to appliances;
- 40 C.F.R. § 82.156(i)(3)(ii), which requires that, if the follow-up verification test indicates that the repairs to industrial process refrigeration equipment have not been

successfully completed, the owner must implement a one year retrofit or replacement plan in accordance with 40 C.F.R. § 82.156(i)(6);

- 40 C.F.R. § 82.156(i)(3)(iii), which requires notification to EPA within 30 days when industrial process refrigeration equipment has failed a follow-up verification test in accordance with 40 C.F.R. § 82.166(n);
- 40 C.F.R. § 82.156(i)(6), which requires the development of a one year retrofit or replacement plan if the follow-up verification test indicates that the repairs to industrial process refrigeration equipment have not been successfully completed;
- 40 C.F.R. § 82.166(n), which requires record keeping and reporting of all repair efforts and notification to EPA of the reason for a facility's inability to meet the leak rate standard within 30 days, and the dates and types of all initial and follow-up verification tests and the test results; and
- 40 C.F.R. § 82.166(k), which requires maintenance of servicing records documenting the date and type of service and quantity of refrigerant added to appliances which normally hold more than 50 pounds of refrigerant.

57. Section VI of Defendant's Title V Permit includes a requirement that "the permittee comply with the standards for recycling and emissions reduction pursuant to 40 C.F.R. 82 Subpart F." Thus, the violations of ozone protection standards described in the preceding paragraph also resulted in the violation of Defendant's Title V Permit.

**FIRST CLAIM FOR RELIEF**  
(Failure to Comply with NSPS)

58. Paragraphs 1 through 57 are realleged and incorporated herein by reference.

59. Since Defendant acquired the sulfuric acid plant, up through the present, Defendant

has operated it without meeting emission standards at 40 C.F.R. §§ 60.82 (standard for sulfur dioxide) and 60.83 (standard for sulfuric acid mist), in violation of Section 111 of the Act.

60. These violations subject Defendant to injunctive relief and civil penalties of up to:

- (1) \$25,000 per day for each violation prior to January 31, 1997, 42 U.S.C. § 7413(b);
- (2) \$27,500 per day for each violation occurring on or after January 31, 1997, and on and before March 15, 2004, pursuant to Section 113(b) of the CAA, Pub. L. 104-134 and 61 Fed. Reg. 69369 (December 31, 1996); and (3) \$32,500 per day for each violation occurring after March 15, 2004, pursuant to Section 113(b) of the CAA, Pub. L. 104-134 and 69 Fed. Reg. 7121 (February 13, 2004).

## **SECOND CLAIM FOR RELIEF**

(Failure to Comply with NESHAPs)

61. Paragraphs 1 through 57 are realleged and incorporated herein by reference.

62. Defendant violated the hazardous air pollutant provisions of Section 112 of the CAA, 42 U.S.C. § 7412, as implemented by regulations at 40 C.F.R. Part 63, Subparts A (General Provisions), and F and G (Synthetic Organic Chemical Manufacturing Industry Standards), as described in Paragraphs 43-48, by failing to monitor heat exchange systems, to implement SSMP, and to maintain and submit records.

63. These violations subject Defendant to injunctive relief and civil penalties of up to \$27,500 per day for each violation occurring on or after January 31, 1997, and on and before March 15, 2004, pursuant to Section 113(b) of the CAA, Pub. L. 104-134 and 61 Fed. Reg. 69369 (December 31, 1996).

### **THIRD CLAIM FOR RELIEF**

(Failure to Comply with Stratospheric Ozone Protection)

64. Paragraphs 1 through 57 are realleged and incorporated herein by reference.

65. In or about years 2000-2002, as described in Paragraphs 52-56, Defendant violated section 608 of the Act, 42 U.S.C. § 7671g, by violating the following specific regulations of 40 C.F.R. Part 82, Subpart F: 40 C.F.R. § 82.156(i)(2), 40 C.F.R. § 82.156(i)(3), 40 C.F.R. § 82.156(i)(6), 40 C.F.R. § 82.156(i)(3)(ii), 40 C.F.R. § 82.156(i)(3)(iii), 40 C.F.R. § 82.166(n) and 40 C.F.R. § 82.166(k).

66. These violations subject Defendant to injunctive relief and civil penalties of up to \$27,500 per day for each violation occurring on or after January 31, 1997, and on and before March 15, 2004, pursuant to Section 113(b) of the CAA, Pub. L. 104-134 and 61 Fed. Reg. 69369 (December 31, 1996).

### **FOURTH CLAIM FOR RELIEF**

(Failure to Comply with Federal Permit)

67. Paragraphs 1 through 57 are realleged and incorporated herein by reference.

68. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), specifies that any violation of a condition in a Title V permit is unlawful.

69. During several LBS flare bypass events in or about years 2000 and 2002, Defendant failed to properly implement its SSMP, and emissions exceeded hourly emission limits in Defendant's Title V Permit, resulting in violations of Defendant's Title V Permit.

70. The violations of ozone protection standards described in Paragraph 56 also resulted in the violation of Defendant's Title V Permit. Section VI of Defendant's Title V Permit includes a requirement that "the permittee comply with the standards for recycling and emissions

reduction pursuant to 40 C.F.R. 82 Subpart F.”

71. These violations subject Defendant to injunctive relief and civil penalties of up to \$27,500 per day for each violation occurring on or after January 31, 1997, and on and before March 15, 2004, pursuant to Section 113(b) of the CAA, Pub. L. 104-134 and 61 Fed. Reg. 69369 (December 31, 1996).

#### **FIFTH CLAIM FOR RELIEF**

(Failure to Comply with Tennessee SIP)

72. Paragraphs 1 through 57 are realleged and incorporated herein by reference.

73. Since Defendant acquired the facility, Defendant has operated the facility without meeting the NSPS standards for sulfuric acid mist, in violation of Section 1200-3-7-.09 of the Tennessee SIP.

74. During numerous LBS flare bypass events between 2000 and 2002, Defendant failed to properly implement its SSMP, resulting in violations of Section 1200-3-20 of the Tennessee SIP (Limits on emissions due to malfunctions, start-ups and shutdowns).

75. These violations subject Defendant to injunctive relief and civil penalties of up to: (1) \$25,000 per day for each violation of the CAA prior to January 31, 1997, 42 U.S.C. § 7413(b); (2) \$27,500 per day for each violation occurring on or after January 31, 1997, and on and before March 15, 2004, pursuant to Section 113(b) of the CAA, Pub. L. 104-134 and 61 Fed. Reg. 69369 (December 31, 1996); and (3) \$32,500 per day for each violation occurring after March 15, 2004, pursuant to Section 113(b) of the CAA, Pub. L. 104-134 and 69 Fed. Reg. 7121 (February 13, 2004).

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, the United States, respectfully requests that this Court:

1. Order Defendant to immediately comply with the statutory and regulatory requirements cited in this Complaint under the Clean Air Act, the Title V Permit, and the Tennessee SIP;
2. Assess civil penalties against Defendant for up to the amounts provided in the applicable statutes; and
3. Grant the United States such other relief as this Court deems just and proper.

Respectfully submitted,  
THE UNITED STATES OF AMERICA

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KELLY A. JOHNSON  
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Environment and Natural Resources Division  
U.S. Department of Justice

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